

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 1:23-cr-00109-SNLJ
)
DESHANTE R. NABORS,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant's Motion to Suppress Evidence (Doc. 65) and Motion to Dismiss (Doc. 67). The motions relate to evidence secured by law enforcement following a traffic stop that led to the Indictment in this case. Defendant argues there was no probable cause for the traffic stop. He also contends that he was not given the *Miranda* warning and that he did not make any statements. After an evidentiary hearing and briefing, Magistrate Judge Abbie Crites-Leoni¹ issued a Report and Recommendation recommending the motions be denied (Doc. 119).

This Court's review of the Report and Recommendation is governed by 28 U.S.C. § 636 and Federal Rule of Criminal Procedure 59. The district court conducts a de novo review as to any objections to the magistrate judge's recommendations with respect to dispositive matters that are timely made and specific. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). Because motions to suppress evidence are considered dispositive matters, a

¹ Pursuant to 28 U.S.C. § 636(b) and Local Rule 2.08, all pretrial matters were referred to United States Magistrate Judge Abbie Crites-Leoni (Doc. 4).

magistrate judge's recommendation regarding such a motion is subject to de novo review. 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673 (1980). In conducting a de novo review, this court may then "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Craft*, 30 F.3d 1044, 1045 (8th Cir. 1994).

Here, defendant filed an objection to the Report and Recommendation (Doc. 126). He reiterates the arguments made in his motions and post-hearing briefing and focuses on his claim that the arresting officer is not credible. He argues that testimony by the arresting officer regarding facts that are not included in the police report or documented by video footage cannot be believed.

After de novo review of the record, this Court will overrule defendant's objection. The Court discerns no inconsistencies in the testimony of Officer Kassing to render his testimony incredible. Further, the Court agrees with the factual findings and legal conclusions set forth in the Report and Recommendation. In that regard, the Court adopts, sustains, and incorporates herein the well-reasoned Report and Recommendation in its entirety and will deny defendant's motion.

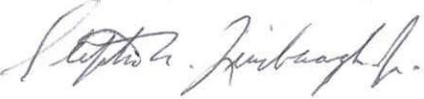
Accordingly,

IT IS HEREBY ORDERED that defendant's Objection to Report and Recommendation (Doc. 126) is **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of United States Magistrate Judge Abbie Crites-Leoni (Doc. 119) is **SUSTAINED, ADOPTED**, and **INCORPORATED** herein.

IT IS FURTHER ORDERED that the Motion to Suppress Evidence (Doc. 65) and Motion to Dismiss (Doc. 67) are **DENIED**.

Dated this 18th day of November, 2024.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE